

Message Text

CONFIDENTIAL

PAGE 01 SUVA 00909 01 OF 02 010705Z
ACTION OES-07

INFO OCT-01 EA-10 ISO-00 SP-02 CIAE-00 INR-10 NSAE-00
DLOS-09 L-03 COME-00 INT-05 SSO-00 INRE-00 EB-08
/055 W

-----033536 010713Z /11

O R 310505Z MAY 78
FM AMEMBASSY SUVA
TO SECSTATE WASHDC IMMEDIATE 7458
INFO AMEMBASSY CANBERRA
AMEMBASSY PORT MORESBY
AMEMBASSY TOKYO
AMEMBASSY WELLINGTON
HICOMTERPACIS SAIPAN
CINCPAC HONOLULU HI

C O N F I D E N T I A L SECTION 1 OF 2 SUVA 0909

CINCPAC ALSO FOR POLAD

HICOMTERPACIS FOR STATUS LNO

E.O. 11652: GDS
TAGS: PLOS, EFIS, FJ, XP
SUBJECT: SOUTH PACIFIC REGIONAL FISHERIES AGENCY

1. WHAT FOLLOWS IS A SUMMARY OF THE AUSTRALIAN UNDER-
STANDING OF HOW THINGS STAND WITH REGARD TO SPRFA ON THE
EVE OF THE 5 JUNE MEETING. IT IS BASED ON A LONG CONVERSATION
WITH MEMBER OF AUSTRALIAN HIGH COMMISSION IN SUVA WHO READ
FROM CABLES FROM CANBERRA AND THE AUSTRALIAN EMBASSY IN WASHINGTON.

A. GEOFFREY DABB, PNG LEGAL ADVISOR, IS REPORTED TO HAVE
TOLD CANBERRA THAT WHILE PNG WOULD PREFER A "TWO-BODY" APPROACH,
ONE OF THEM BEING AN ARTICLE 64 TYPE OF AGENCY, PNG WOULD PROBABLY
GO SO FAR AS TO AGREE ON THE "TWO TREATY" APPROACH BUT
WOULD GO NO FURTHER.

CONFIDENTIAL

CONFIDENTIAL

PAGE 02 SUVA 00909 01 OF 02 010705Z

B. CANBERRA INTERPRETS THIS TO MEAN THAT PNG IS PREPARED
TO SHOW SOME FLEXIBILITY HENCE THE INSTRUCTIONS TO
AUSTRALIAN EMBASSY WASHINGTON TO URGE STATE
DEPARTMENT TO MATCH AUSTRALIAN FLEXIBILITY AND ADOPT "LESS RIGID
POSITION THAN WAS SHOWN LAST NOVEMBER WHEN U.S. APPEARED TO REJECT
ANY SOLUTION WHICH WAS NOT COMPATIBLE WITH U.S. POSITION."

(SOURCE WHO WAS A PARTICIPANT IN NOVEMBER NEGOTIATIONS VOLUNTEER-ED THAT THIS WAS NOT AN ACCURATE DESCRIPTION OF U.S. NEGOTIATORS'S ATTITUDE IN NOVEMBER AND WAS CRITICAL OF THE USE OF SUCH LANGUAGE IN THE TELEGRAM).

C. CANBERRA IS DISAPPOINTED AND APPREHENSIVE ABOUT THE FACT THAT DABB WILL NOT PARTICIPATE IN 5 JUNE MEETING BECAUSE OF BELIEF THAT DABB HAS SUFFICIENT AUTHORITY TO ADJUST PNG POSITION AT THE NEGOTIATING TABLE. FURTHERMORE DABB IS QUOTED AS HAVING CRITICIZED LAVENDER'S PERFORMANCE IN THE 8 - 11 MAY MEETING AND YET LAVENDER IS SCHEDULED TO COME TO SUVA FOR THE MEETING.

D. CANBERRA IS SPECULATING THAT DABB HAS RECEIVED INSTRUCTIONS FROM HIGHER UP TO SHOW "FLEXIBILITY AND AMENABILITY".

E. CANBERRA IS RELUCTANT TO MOVE AWAY FROM THE ONE AGENCY APPROACH NEGOTIATED IN NOVEMBER BUT IN THE INTEREST OF RECONCILING PNG AND U.S. POSITIONS WOULD BE PREPARED TO ENTERTAIN ANY COMPROMISE SOLUTION. IT ANTICIPATES THEREFORE THAT ARTICLE 12 OF THE DRAFT TEXT THAT EMERGED FROM NOVEMBER MEETING WOULD BE OPEN TO RECONSIDERATION. SOURCE ADMITTED IN RESPONSE TO QUESTIONS THAT EFFECT OF RECONSIDERATION AS ENVISAGED BY CANBERRA WOULD BE TO DILUTE MANDATORY NATURE OF PROJECTED AGENCY RULINGS. HE CONCEDED ALSO THAT THIS SEEMS IN ACCORD WITH PNG POSITION WHICH WANTS TO RETAIN A VETO POWER OVER THE AGENCY RULINGS IN THE NAME OF COASTAL STATE RIGHTS OVER ALL MARINE
CONFIDENTIAL

CONFIDENTIAL

PAGE 03 SUVA 00909 01 OF 02 010705Z

RESOURCES WITHIN 200 MILE LIMIT.

F. AUSTRALIAN EMBASSY IN WASHINGTON SEEMS TO HAVE THE IMPRESSION THAT "THE U.S. IS EQUATING THE TWO TREATY APPROACH WITH ARTICLE 64 TYPE ORGANIZATION AND A COASTAL STATES' RIGHTS AGENCY.

G. ANOTHER IDEA WITH WHICH PNG IS APPARENTLY TOYING LAST FEW DAYS IS A TREATY THAT WOULD BE SILENT ON COASTAL STATES' RIGHTS BUT HAVE THE AGENCY ADOPT IN ITS FIRST MEETING A RESOLUTION ASSERTING THE EXISTENCE OF SUCH SOVEREIGN RIGHTS ON THE PART OF THE COASTAL STATES. SOURCE CONCEDED AGAIN THAT IN EFFECT THIS APPROACH SEEKS TO TAMPER WITH THE AGENCY'S MANDATORY FUNCTIONS WHICH BRINGS US BACK TO THE PRESUMED PNG MAIN OBJECTIVE.

2. COMMENT: IN PULLING THE FOREGOING TOGETHER IT

CONFIDENTIAL

NNN

CONFIDENTIAL

PAGE 01 SUVA 00909 02 OF 02 010706Z
ACTION OES-07

INFO OCT-01 EA-10 ISO-00 SP-02 CIAE-00 INR-10 NSAE-00
DLOS-09 L-03 COME-00 INT-05 SSO-00 INRE-00 EB-08
/055 W

-----033541 010711Z /11

O R 310505Z MAY 78
FM AMEMBASSY SUVA
TO SECSTATE WASHDC IMMEDIATE 7459
INFO AMEMBASSY CANBERRA
AMEMBASSY PORT MORESBY
AMEMBASSY TOKYO
AMEMBASSY WELLINGTON
HICOMTERPACIS SAIPAN
CINCPAC HONOLULU HI

C O N F I D E N T I A L SECTION 2 OF 2 SUVA 0909

OCCURED TO US THAT THE QUESTION OF THE U.S. PARTICIPATION
IN SPFRA IS REALLY A SECONDARY ISSUE WHICH IS BEING MANIPULATED
BY THOSE WHO WANT TO CONCEAL THE ANSWER OR EVEN TO AVOID FACING
THE REAL QUESTION. THIS HAS TO DO WITH THE ISSUE OF WHAT KIND OF
SPFRA WILL BE BEST EQUIPPED TO COORDINATE AND MAXIMIZE THE RETURN
ON THE ISLAND'S MARITIME RESOURCES, ONE WITH REGULATORY OR
ONE WITH RECOMMENDATORY (AWKWARD BUT USEFUL WORD) RESPONSIBILITIES
AND AUTHORITY.

3. ACCORDINGLY, THE QUESTION WHICH THE FORUM LEADERS MUST FACE
IN APIA OR ANY OTHER PLACE IS WHETHER PARA 7 OF THE PORT
MORESBY RESOLUTION REFERS TO A REGULATORY OR RECOMMENDATORY SPFRA.
IN THE LATER CASE EACH PARTICIPANT RETAINS A VETO POWER OR MORE
ACCURATELY RETAINS THE RIGHT TO IGNORE THE AGENCY'S RECOMMENDATIONS
REGARDLESS OF THE DEGREE OF THEIR ACCEPTABILITY TO OTHER PARTICIPANTS
OR THEIR RELEVANCE TO PROMOTING THE REGIONAL INTEREST IN
FISHERIES. WHERE THE U.S. COMES INTO THE PICTURE IS IN CONNECTION
WITH ITS ARGUMENT IN FAVOR OF A REGULATORY AGENCY PARTLY BE-
CAUSE IT CAN BE SHOWN (IF INDEED THIS IS THE CASE) THAT THIS
CONFIDENTIAL

CONFIDENTIAL

PAGE 02 SUVA 00909 02 OF 02 010706Z

WOULD BE A MORE EFFECTIVE APPROACH TO THE ISLANDS' PROBLEM AND
PARTILY BECAUSE ONLY SUCH AN AGENCY CAN MEET THE REQUIREMENTS
OF U.S. DOMESTIC LEGISLATION.

4. IF THIS ANALYSIS IS VALID THE BEST NEGOTIATING STRATEGY FOR

THE U.S. ON 5 - 10 JUNE WOULD BE TO PRESS FOR A CLEAR
DISCUSSION OF THE RELATIVE MERITS OF THE TWO TYPES OF AN SPRFA
AND THEIR IMPLICATIONS FOR THE SHORT AND LONG TERM INTERESTS
OF THE ISLANDS. WE BELIEVE THAT IF THE REAL ISSUE IS FACED THE
QUESTION OF U.S. PARTICIPATION WOULD BE SIMPLIFIED SOMEWHAT.
CONDON

CONFIDENTIAL

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 jan 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: FISHERIES, REGIONAL ORGANIZATIONS
Control Number: n/a
Copy: SINGLE
Draft Date: 31 may 1978
Decaption Date: 01 jan 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 20 Mar 2014
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1978SUVA00909
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GS
Errors: N/A
Expiration:
Film Number: D780228-1109
Format: TEL
From: SUVA
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1978/newtext/t1978051/aaaaaaok.tel
Line Count: 176
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: e154be92-c288-dd11-92da-001cc4696bcc
Office: ACTION OES
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 4
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: n/a
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 03 may 2005
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 2504134
Secure: OPEN
Status: NATIVE
Subject: SOUTH PACIFIC REGIONAL FISHERIES AGENCY
TAGS: PLOS, EFIS, FJ, XP, AS, SPRFA
To: STATE
Type: TE
vdkgvwkey: odb://SAS/SAS.dbo.SAS_Docs/e154be92-c288-dd11-92da-001cc4696bcc
Review Markings:
Sheryl P. Walter
Declassified/Released
US Department of State
EO Systematic Review
20 Mar 2014
Markings: Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014